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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,600	09/26/2003	Chris Savarese	06196.P003	3705

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EXAMINER	
YOO, JASSON H	

ART UNIT	PAPER NUMBER
3714	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/672,600	SAVARESE ET AL.	
	Examiner	Art Unit	
	Jasson H. Yoo	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 May 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-53* is/are pending in the application.

4a) Of the above claim(s) *17-53* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *See Continuation Sheet*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :9/11/06, 10/14/05, 10/11/05, 6/29/05, 2/2/05, 11/15/04, 9/17/04.

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of claims 1-16 in the reply filed on 5/11/07 is acknowledged. Clams 17-53 are withdrawn as being drawn to an nonelected invention.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 claims the golf ball specifications of the United States Golf Association. However, specifications of the Association may change over time, and thereby change the scope of the claim. Therefore claim 10 is indefinite for failing to particularly point out and distinctly claim what the golf ball specifications are.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuesters (US 2002/0091017).

1. Kusters discloses a golf ball comprising:

a ball material (10 in Figs. 2A-2B);

a first tag which is attached to said ball material, said first tag having a first antenna (As shown in Fig. 2A-2B, any one of the wires can be considered to be a first antenna. Furthermore, a group of more than one wires 14, can be considered to be the first antenna.), which is coupled to a first diode (each antenna is coupled to a diode 12 in Figs. 2A-2B. Additionally, Kusters discloses other distributions of the diodes connected to the wires can be used for the golf ball, paragraph 30), said first antenna being patterned as a first radial transmission line (As shown in Figs. 2A-2B, the wires/antennas are patterned in a radial direction of the ball.);

a second tag which is attached to said ball material (as shown in Fig. 2A-2B, any one of the wires or groups of wires can be considered to be a the second antenna.), said second tag having a second antenna which is coupled to a second diode (Figs. 2A-2B, and paragraph 30), said second antenna being patterned as a second radial transmission line, which is arranged substantially orthogonally relative to said first radial transmission line (antennas are patterned in perpendicular planes, Figs. 2A-2B, and paragraph 30).

2. Kusters discloses a golf ball as in claim 1 wherein said first tag and said second tag are substantially independent electrically and provide a substantially spherical reception pattern (each wire 14 is independently electrically connected to each diode 12 in Figs. 2A-2B).

3. Kusters discloses a golf ball as in claim 1 further comprising: a layer material which encases said first tag and said second tag and said ball material (layer 15 in Fig. 2A and paragraph 30).

4. Kusters discloses a golf ball as in claim 1 wherein a width of said first and second antennas varies either substantially linearly or substantially exponentially with a length of said first and second antennas (When considering a group of wires 14 in Fig. 2A such as two wires as one antenna, they form an antenna wherein the width varies substantially linearly with the width).

5. Kuster discloses a golf ball as in claim 1 wherein said ball material is either a core material which has a substantially solid spherical shape or an inner shell which has a circular cross-sectional shape (inner core 20 in Figs 2A-2B has a substantially solid spherical shape, paragraph 30).

6. Kusters discloses a golf ball as in claim 1 wherein said first diode is disposed at least partially in a first void in said ball material, and said second diode is disposed at

least partially in a second void in said ball material (The outer member 16 in Fig. A inherently have voided areas to fit the diodes, paragraph 30.).

7. Kusters discloses a golf ball if claim 1. However Kusters fails to specifically state the ball material has a first template for forming said first antenna and a second template for forming said second antenna. Nevertheless the method of forming a product in a product claim is product-by-process claim. The patentability of a product does not depend on its method of production. Therefore Kusters discloses the above limitations. See MPEP 2113.

8. Kusters discloses a golf ball as in claim 1 wherein each of said first and said second antennas has at least one perforation (When considering a group of wires 14 in Fig. 2A, they form perforation between the wires).

12. Kuesters discloses a golf ball as in claim 1 wherein each of said first and said second antennas comprises a seed layer and a plated layer, which is coupled to, said seed layer (seed layer or wires 14 are plated with a layer 16 in Fig. 2A).

13. Kuesters discloses a golf ball as in claim 1 wherein said first diode is coupled to said first antenna through a first pair of compressible conductors and wherein said second diode is coupled to said second antenna through a second pair of compressible conductors (The antennas/wires 14 are connected to the diode 12 as shown in Fig. 2A.

The wires are inherently compressible conductors in order to be electrically connected to the diodes, and durable when the golf ball is hit).

14. Kuesters discloses a golf ball as in claim 1 wherein said first antenna comprises a first inductive element and said second antenna comprises a second inductive element (Electrical wire 14 in Fig 2A is considered to be an inductive element).

15. A golf ball as in claim 1 wherein said golf ball has at least two portions which include a core and a shell (Figs 2A-2B, and paragraph 30).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuesters (US 2002/0091017) in view of Rackley (US 4,742,357).

Kusters discloses the claimed invention as discussed above. Kusters further teaches the various method of detecting the golf ball can be used. Ksuters specifically

states that the method of detecting an object can be similar methods to taught in Rackley's US Patent 4,742,357.

Kusters in view of Rackley discloses the following:

9. Kusters in view of Rackely discloses each of said first and said second antennas is disposed between curved surfaces in said golf ball (Kusters, the outer surfaces of the ball 10 and the core 18 are curved, Fig. 2A), and wherein each of said first and said second antennas is designed to receive a radio frequency (RF) signal of a first frequency and to re-radiate a return RF signal of a second frequency (Rackley discloses the object to receive radio frequency by the receiver 12 and re-radiate a return radio frequency by the transmitter 16 in Fig. 5).

10. Kusters in view of Rackely discloses a golf ball as in claim 9 wherein said second frequency is a multiple of said first frequency (a second frequency is inherently a multiple of a second frequency).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuesters (US 2002/0091017) in view of Pirritano et al. (US US 6,620,057).

Kusters discloses a high durability golf (made with a shock absorber material in order to be hit by a golf club, paragraph 30) wherein each of said first and said second antennas is disposed between curved surfaces in said golf ball and wherein said tag is detectable over a range (Kusters discloses the range over an entire golf course

paragraph 13). However, Kusters fails to specifically teach that the range is at least 20 feet. Nevertheless it is well known in the art that golf courses are well over 20 feet. Therefore it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify Kusters invention have the golf ball detectable over 20 feet in order to detect the ball in large golf courses. Furthermore, Kusters further discloses that various methods of detecting the ball. However, Kusters fails to specifically teach a handheld transmitting/receiving device detects the ball. In an analogous art to detecting golf balls, Pirritano discloses a method of detecting a ball using a hand held transmitter/receiver. The handheld transmitter/receiver allows a player to carry the transmitter/receiver device throughout the golf field to detect the ball. Therefore it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify Kusters golf ball system and incorporate Pirritano's hand held transmitter/receiver, in order to allow the player to carry the detection device.

Kusters in view of Parritano fails to teach the golf bal substantially complies with golf ball specifications of the United States Golf Association. However, association standards are just standards. One of ordinary skill would have any number of reasons for adapting to association standards. Standards are used to prevent cheating and regulate equality to game players. A ball that complies with golf ball specifications of the United States Golf Association such as weight and size, allows balls to be consistent with golf balls used in tournaments and regular golf game plays. Therefore it would be

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuesters (US 2002/0091017) in view of Mayer (German Patent 87 09 503) (a machine translation copy has been provided with this Office Action).

16. Kusters discloses a golf ball with two antennas, each antenna connected to a diode. However, Kusters fails to teach an impedance of said first diode is substantially tuned to an impedance of said first antenna at both excitation frequency and re-radiated harmonic frequency. Nevertheless, Mayer discloses a golf ball that is detectable by a detection device. The golf ball comprises a reflector, which further contains an antenna provided with a diode (paragraphs 8-9 in machine translation copy). When the ball receives a signal from the detection radar device, reflector transmits to the detection radar device a signal that is doubled the received signal. This allows the detection radar device to accurately detect the signal from the golf ball. Thus it would have been obvious to one of ordinary skilled in the art to apply the technique of re-radiated harmonic frequency to accurately detect the reflected signal.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasson H. Yoo whose telephone number is (571)272-5563. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JHY

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TC3700